

### **REMARKS**

Claims 1-57 are pending in the above-identified patent application. As noted in the Notice of Non-Responsive Amendment issued October 5, 2007, although Applicants' response under 37 C.F.R. § 1.143 filed July 10, 2007 included:

- (1) an election of Group II, (claims 24-40), drawn to a method of treating pain comprising topically administering to the skin of a mammal in need thereof an emulsion comprising an antidepressant, an NMDA receptor antagonist, a lipophilic component, water and a surfactant;
- (2) an election of a species of: (i) an antidepressant, (ii) NMDA receptor antagonist, (iii) lipophilic component, and a (iv) surfactant; and
- (3) a statement that claims 24-40 of elected Group II read on each of the elected species.

that response did not:

- (a) clearly set forth whether a lipophilic penetration enhancer, and/or humectant, and/or antifoaming agent are components of the emulsion; and
- (b) elect a species of each of the lipophilic penetration enhancer, and/or humectant, and/or antifoaming agent, if the lipophilic penetration enhancer, and/or humectant, and/or antifoaming agent were elected to be administered.

That omission is corrected by the response provided below.